

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN

In Re Flint Water Cases,

: No. 5:16-cv-10444-JEL-MKM
: (consolidated)
:
: Hon. Judith E. Levy
:
: Mag. Mona K. Majzoub
:

Declaration of Attorney Mark R. Cuker

I, Mark R. Cuker, do state based on personal knowledge as follows under the penalties of Perjury:

1. I am a Pennsylvania Attorney who practices not only in Pennsylvania, but also in New Jersey, and am admitted in the State of Michigan. I have extensive experience in both class action lawsuits, and mass tort litigation.

2. I am currently involved in this litigation representing *Plaintiffs Helen Chapman v. Governor Rick Snyder* pending in the US District Court Eastern District of Michigan Southern Division, Case No. 5:18-cv-106999 (Honorable Judith E. Levy).

3. I submit this declaration in opposition to the motion by interim class counsel to replace Hunter Shkolnik and his law firm Napoli Shkolnik PLLC as co-liaison for individual cases.

4. Interim Class counsel's motion states, in two different places, that Document #404 at 12 "majority of counsel with individual cases support this motion for replacement of Mr. Shkolnik as Co-Liaison Counsel."

5. Although I have been counsel of record for the individual plaintiffs in the Chapman case for months, neither interim class counsel nor anyone on the Class Executive Committee even asked me whether I supported the motion. I do not.

6. I have dealt with Mr. Shkolnik regularly in his role as liaison counsel and he has acted ethically, openly and transparently in his communications with me.

7. The same cannot be said for my dealings with Interim Class Counsel. The Flint Water Class Action legal team has repeatedly sent unsolicited communications to my clients. I have repeatedly complained about this to the law firms associated with these communications. My complaints have been either rejected or ignored. *See* Exhibit “A” attached.

8. I have watched the complete video of the Feb 18, 2018 meeting which is a subject of Interim Counsel’s motion.

9. I do not think the statements made by Mr. Shkolnik at that meeting render him unfit to serve as liaison counsel for the individual plaintiffs.

10. I agree with the statements made by Mr. Shkolnik, and quoted in his Declaration. Doc. 444-2 at pp. 18-23, about the advantages and disadvantages of class vs. individual litigation for the people of Flint. In fact, I have made similar statements at public meetings in Flint.

11. I note that Interim Counsel have specifically charged that the above statements are “unethical”. Doc#404 at 9-10.

12. I do not purport to be an expert on legal ethics, but these charges strike me as reckless and irresponsible. At the worst, Mr. Shkolnik’s statements represent legal opinions as to which reasonable minds can differ. But he (and I) have a First Amendment right to express them, and the people of Flint have a right to hear them.

13. The effort by the Interim Counsel to muzzle Mr. Shkolnik would have a chilling effect on all lawyers providing legal advice to clients on the merits and demerits of individual vs. class litigation for people in Flint.

14. Mr. Shkolnik has not asked me to make this declaration, nor have I discussed its contents with him.

15. The statements and opinions in this Declaration are simply my own. I do not purport to represent the views of any other attorney in this litigation.

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